

**County of San Diego, Health and Human Services Agency (HHSA)
Cash Assistance Program for Immigrants (CAPI) Program Guide**

Overpayments/Underpayments

Number

99-109.1

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Revision Date:

August 30, 2016

Background:

This section provides information on how to treat overpayments and underpayments in CAPI.

Purpose:

To provide instructions for overpayments and underpayments in CAPI.

Policy:

Federal and state laws governing overpayments in the SSI/SSP program also govern overpayments in CAPI. These laws include provisions that allow for a waiver of overpayment recovery when:

- The overpaid individual was without fault in connection with an overpayment
- Adjustment or recovery of such overpayments would either:
 - Defeat the purpose of CAPI
 - Be against equity and good conscience
 - Impede efficiency or effective administration of CAPI, due to the small amount involved.

1. Definitions:

The table below shows the definitions of terms used in this chapter.

Term	Definition
Overpayment	Payment of more than the amount due for any period. <ul style="list-style-type: none">• Includes CAPI payments made during a period for which an individual is later determined eligible for SSI/SSP and for which the state does not receive federal reimbursement• Does not include payments made on the basis of presumptive disability or blindness when an individual is finally determined to be not disabled or blind.
Underpayment	Payment of less than the amount due for any period.
Offsetting	Computation process used to balance overpayments against underpayments for the period under review.
Waiver (of Adjustment or Recovery)	Relief from the obligation of the overpaid person and eligible spouse (and the person's estate after his/her death) to repay the amount of the overpayment covered by the waiver. An overpaid person may request an overpayment recovery waiver at any time after receiving an overpayment notice.
Without Fault	The absence of fault in connection with causing or accepting the overpayment. The overpaid individual is not without fault solely because the county or the state may have been at fault in causing the overpayment. See 99-109.3 for how to determine without fault.

2. Timelines for Revision of Eligibility and Payment Amounts:

Prior determinations of eligibility and payment amounts may be revised within certain timelines. These revisions may create overpayments or underpayments.

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Period	Revisions can be made within ...
1 year	1 year of discovery of the erroneous payment amount for any reason, such as a change of a policy or legal interpretation upon which the initial determination was made.
2 years	2 years prior to the date that the worker: <ul style="list-style-type: none">• Receives new and material evidence• Determines a clerical error has been made• Determines there is an error on the face of the evidence previously provided by the recipient.
Indefinite	Any time there is fraud or similar fault on the part of any person.

Procedure:

Follow the actions in the policies above and Processing Guide 99-109.1A to evaluate an overpayment/underpayment.

Program Impact/s:

None.

References:

ACL 98-82 and 00-73
ACIN 33-09

Sunset Date:

This policy will be reviewed for continuance on or by 08/31/2019

Approval for Release:



Rick Wanne, Director
Eligibility Operations